

UNITED STATES DISTRICT COURT
District of New Jersey

UNITED STATES OF AMERICA

v.

Case Number Cr. 04-473-01

CESAR PINA

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, CESAR PINA, was represented by Adolph J. Galluccio, Esq.

The defendant pled guilty to count(s) One of the Information on 6/23/03. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):


<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number(s)</u>
18:1029(b)(2)	Conspiracy to Commit Credit Card Fraud	June 2002	One

As pronounced on Nov. 30, 2004, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100., for count(s) One, which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 20th day of December, 2004.


 HAROLD A. ACKERMAN
 Senior United States District Judge

Defendant: CESAR PINA
Case Number: Cr. 04-473-01

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 16 Months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons January 3, 2005.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ To _____
At _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: CESAR PINA
Case Number: Cr. 04-473-01

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years.

Within 72 hours of release from custody of the Bureau of Prisons, the defendant shall report in person to the Probation Office in the district to which the defendant is released.

While on supervised release, the defendant shall comply with the standard conditions that have been adopted by this court (on the next page).

The defendant shall submit to one drug test within 15 days of commencement of supervised release and at least two tests thereafter as determined by the probation officer.

If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remains unpaid at the commencement of the term of supervised release and shall comply with the following special conditions:

The defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.

The defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with a payment schedule for any restitution obligation. The defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the restitution obligation or otherwise has the express approval of the Court.

Defendant: CESAR PINA
Case Number: Cr. 04-473-01

STANDARD CONDITIONS OF SUPERVISED RELEASE

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not illegally possess a controlled substance.
- 3) If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.
- 4) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 5) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 6) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 7) The defendant shall support his or her dependents and meet other family responsibilities.
- 8) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 9) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 10) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 11) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 12) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 13) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 14) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 15) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 16) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

For Official Use Only - - - U.S. Probation Office

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed) _____ Defendant _____ Date _____

U.S. Probation Officer/Designated Witness _____ Date _____

Defendant: CESAR PINA
Case Number: Cr. 04-473-01

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee (Victim)</u>	<u>Amount of Restitution</u>
American Express (See attached)	\$71,228.62

Payments of restitution are to be made payable to **U.S. Treasury** and mailed to Clerk, U.S.D.C., 402 East State Street, Rm 2020, Trenton, New Jersey 08608 for distribution to the victim(s). (See attached)

The Court will waive the interest requirement in this case. Payments should be made payable to the U.S. Treasury and forwarded to the Clerk of the Court in Trenton, New Jersey for proportionate distribution to the victims. The amounts ordered represent the total amounts due to the victims for these losses. The defendant's restitution obligation shall not be affected by any restitution payments made by other defendants in this case, except that no further payments shall be required after the sums of the amounts actually paid by all defendants has fully satisfied these losses. The following defendants in the following cases may be subject to restitution orders to the same victims for these losses:

Luis Pina Cr. 03-472-01, Christopher Czwazka Cr. 03-250-01, and Jodi O'Hara Cr. 03-249-01.

The restitution is due immediately. In the event the entire restitution is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of no less than \$100 to commence 30 days after release from confinement.

The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

1. The following chart outlines the loss to each creditor per account number.

Creditor	Account Number	Loss
American Express Investigations Department 200 Vesey Street New York, NY 10285	378532862801004/Houlihan's	\$ 3,964.19
	371720898401009	\$ 20.96
	372712185011004	\$ 0
	372711822772002	\$ 0
	371723546601004	\$ 75.17
	378501795361006	\$ 2,528.64
	373278579741084	\$ 447.26
	378202737326005	\$ 3,284.03
	378293658911305	\$ 1,338.57
	372764598692003	\$ 422.59
	379438037941007	\$ 1,751.98
	372764035082008	\$ 4,691.92
	372677956172010	\$ 726.10
	372768458143015	\$ 0
	378206680701326	\$ 0
	372170889892007	\$ 141.76
	371389639003001	\$ 1,176.40
	371727033042002	\$ 919.38
	378706880091000	\$ 511.55
	371389639003001	\$ 1,176.40
	377050001940014	\$ 1,045.09
	379424571992002	\$ 235.25
	371722889391009	\$ 1,474.43
		\$25,931.67 SUBTOTAL
	373991986972007/Red Lobster	\$ 0
	371381375514002	\$ 741.30
	371331445031008	\$ 242.36
	372897228553003	\$ 0
	373963049261017	\$ 391.00
	372168970622010	\$ 264.17
	371724609971003	\$ 379.59
	372761293441017	\$ 282.43
	373991986972007	\$ 0
	372889636512002	\$ 1,600.00
		\$29,832.52 TOTAL

\$71,288.62 TOTAL

Cesar & Luis Perea

Citibank Attn: Fraud Investigations 14700 Citicorp Drive Hagerstown, MD 21742	4128003599311860/Houlihan's	\$ 380.75
	5424180138435802	\$1,500.00
	5396478000762574	\$6,000.00
	5424180304742775	\$ 32.91
		\$7,913.66 SUBTOTAL
	5424180547034840/Red Lobster	\$ 385.49
	5424180155760363	\$ 0
		\$8,299.15 TOTAL
Discover Financial Services Attn: Restitution Clerk P.O. Box 3005 New Albany, OH 43054	6011001040251425/Houlihan's	\$ 29.99
	6011001280563117	\$1,116.11
	6011001310586286	\$3,300.00
	6011001370230809	\$4,500.00
	6011001890640461	\$2,290.25
	6011001920042647	\$3,119.99
	6011002670108497	\$3,110.00
	6011003470062199	\$1,759.56
	6011300370602664	\$ 0
		\$19,225.90 TOTAL

Exxon Mobil
ATTN: Loss/Fraud Dept.
P.O. Box 419010
Kansas City, MO 64141-6010
AMEX No. 371720898401009, 378293058911305
Amt owed: \$336.11

Walmart Stores, Inc.
ATTN: Finance Dept.
702 SW 8th Street
Bentonville, AR 72716
AMEX No. 372712185011004, 378202737326005
Amt owed: \$526.25

Shell Oil Products, U.S.
ATTN: Loss/Fraud Dept.
12700 Northborough Avenue
Houston, TX 77067
AMEX No. 372711822772002, 378202737326005, 378208680701326,
378293658911305
Amt owed: \$157.40

Tosco Retail
ATTN: Loss/Fraud Dept.
2141 Rosecrans Avenue
El Segundo, CA 90245-4746
AMEX No. 372711822772002
Amt owed: \$54.41

Parisian, Inc.
ATTN: Loss/Fraud Dept.
2100 Galleria Riverchase
Birmingham, AL 35244
AMEX No. 371389639003001
Amt owed: \$59.40

Stop & Shop
ATTN: Loss/Fraud Dept.
330 Route 211 E
Middletown, NY 10940-2821
AMEX No. 371723546601004
Amt owed: \$204.59

Chart House 82
ATTN: Loss/Fraud Dept.
Lincoln Harbor
Weehawken, NJ 07087
AMEX No. 378706880091000
Amt owed: \$44.95

Essex Green 9
ATTN: Loss/Fraud Dept.
867 Prospect Avenue
West Orange, NJ 07052
AMEX No. 377050001940014
Amt owed: \$34

NJ Transit
ATTN: Loss/Fraud Dept.
Newark Penn Station
Raymond Plaza West
Newark, NJ 07105
AMEX No. 377050001940014
Amt owed: \$204

NJ Transit
ATTN: Loss/Fraud Dept.
1 Hudson Place
Hoboken, NJ 07030
AMEX No. 377050001940014
Amt owed: \$96

My Way Café
ATTN: Loss/Fraud Dept.
3022 Avenue U
Brooklyn, NY 11229-5127
AMEX No. 378501795361006
Amt owed: \$7

MTA/NYC Transit
ATTN: Loss/Fraud Dept.
Room 513
370 Jay Street
Brooklyn, NY 11201
AMEX No: 377050001940014
Amt owed: \$102

Skate America
ATTN: Loss/Fraud Dept.
12675 Stowe Drive
Poway, CA 92064-8848
AMEX No: 377050001940014
Amt owed: \$39.95

Niccy's Southern Cuisine
ATTN: Loss/Fraud Dept.
65B S. Orange Avenue
South Orange, NJ 07079-1715
AMEX No. 378706880091000
Amt owed: \$110.02

Negril Village
ATTN: Loss/Fraud Dept.
70 West 3rd Street
New York, NY 10012-1026
AMEX No. 378706880091000
Amt owed: \$384.23

Plataforma Restaurant
ATTN: Loss/Fraud Dept.
316 West 49th Street
New York, NY 10019-7303
AMEX No. 378706880091000
Amt owed: \$399.48

AMC Movie Theater at Clifton Commons
ATTN: Loss/Fraud Dept.
405 State Rt 3 E
Clifton, NJ 07014-1911
AMEX No. 373278579741084
Amt owed: \$90

Footaction
ATTN: Loss/Fraud Dept.
Willowbrook Mall
Rts 23 & 46
Wayne, NJ 07470-6991
AMEX No. 373278579741084
Amt owed \$94.99

Hilton Fort Lee
ATTN: Loss Dept.
2117 Rt 4 East
Fort Lee, NJ 07024-3209
AMEX No. 378202737326005
Amt owed: \$1,566.32

Executive Inns
ATTN: Loss Dept.
4070 Third Street
Farmville, VA 23901-5480
AMEX No. 378202737326005
Amt owed: \$35

Yamashiro
ATTN: Loss/Fraud Dept.
1999 N. Sycamore Avenue
Hollywood, CA 90068-3782
AMEX No. 378202737326005
Amt owed: \$228.55

Karen Sinclair Chevron
ATTN: Loss/Fraud Dept.
2005 Diamond Blvd, Room 2148
Concord, CA 94524
AMEX No. 378202737326005, 372768458143015, 378206680701326,
378293658911305
Amt owed: \$172.50

Bennigan's
ATTN: Loss/Fraud Dept.
1745 E. University Avenue
Las Cruces, NM 88001-5780
AMEX No. 378202737326005
Amt owed: \$41.17

Mandcc #9
ATTN: Loss/Fraud Dept.
729 Anderson Avenue
Cliffside Park, NJ 07010-2032
AMEX No. 371722889391009
Amt owed: \$105.92

Abraham International Cuisine
ATTN: Loss/Fraud Dept.
90 Grand Avenue
Englewood, NJ 07631-3506
AMEX No. 379438037941007
Amt owed: \$527.41

Spirit of New York/New Jersey
Chelsea Piers
ATTN: Loss/Fraud Dept.
Pier 62 West 23rd Street, #200
New York, NY 10011
AMEX No. 379438037941007
Amt owed: \$800

Loews Theater
ATTN: Loss/Fraud Dept.
67 Willowbrook Blvd
Wayne, NJ 07470-7055
AMEX 371727033042002
Amt owed: \$17.50

Houlihan's
ATTN: Loss/Fraud Dept.
5 Rt 17 South
Hasbrouck Heights, NJ 07604-2801
AMEX 372170889892007
Amt owed: \$141.76

Madame Tussaud's New York
ATTN: Loss/Fraud Dept.
234 West 42nd Street
New York, NY 10036-7215
AMEX 372170889892007
Amt owed: \$163.66

Mervyns #67
Layton Hills Mall
ATTN: Loss/Fraud Dept.
1200 N 400 West Hillfield Rod
Layton, UT 84041-4846
AMEX 378206680701326
Amt owed: \$1,000

Aunt Kizzy's Back Porch
ATTN: Mary Dulan
4325 Glencoe Avenue
Marina Del Rey, CA 90292-6444
AMEX 378293658911305
Amt owed: \$40.37

Wood Ranch BBQ & Grill
ATTN: Loss/Fraud Dept.
Northridge Fashion Center
9301 Tampa Avenue
Northridge, CA 91324-2503
AMEX: 378293658911305
Amt owed: \$40.27

Scottee Cleaners
ATTN: Loss/Fraud Dept.
9133 Reseda Blvd
Northridge, CA 91324-3031
AMEX: 378293658911305
Amt owed: \$73.50

Red Lobster
ATTN: Loss/Fraud Dept.
435 Shawnee Mall Drive
Shawnee, OK 74804-1323
AMEX 378293658911305
Amt owed: \$35.05

Fumume, Incorporated
Isaac Hayes
119 South Main Street #600
Memphis, TN 38103-3647
RE: S/E 4410196158
AMEX 378293658911305
Amt owed: \$90.61

KMART
ATTN: Loss/Fraud Dept.
235 Prospect Avenue
West Orange, NJ 07052
AMEX No. 372764035082008
Amt owed: \$3,919.48

Arden B
c/o Wet Seal Inc.
ATTN: Loss/Fraud Dept.
26972 Burbank
Foothill Ranch, CA 92610
AMEX No. 3794 380379 41007
Amt owed: \$268

El Bandido Restaurant (Red Lobster)
ATTN: Loss/Fraud Dept.
548 Main Street
Orange, NJ 07050-1520
AMEX No. 372761293441017
Amt owed: \$129.98

Target (Red Lobster)
ATTN: Loss/Fraud Dept.
6885 Siegen Lane
Baton Rouge, LA 70809-4528
AMEX No. 372897228553003
Amt owed: \$1,500

C-Town Supermarket (Red Lobster)
ATTN: Loss/Fraud Dept.
2869 Fulton Street
Brooklyn, NY 11207-2715
AMEX No. 3717 246099 71003
Amt owed: \$89.22